



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BJG
Docket No: 4735-99
6 September 2000

MR [REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by the Office of the Chief of Naval Operations dated 9 June 2000, a copy of which is attached. They also considered your undated rebuttal letter.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure

Copy to:
The Honorable William M. Thomas

4735-97



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

IN REPLY REFER TO

Ser N09B33/OU517191
9 June 2000

From: Chief of Naval Operations (N09B33)
To: Chairman, Board for Correction of Naval Records

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN THE CASE OF
[REDACTED]

Encl: (1) BCNR File

1. Enclosure (1) was forwarded for review [REDACTED] regarding his desire to have the Navy Achievement Medal awarded by Commander Seventh Fleet for his actions on 17 October 1968 upgraded to a higher award.
2. Once an award recommendation has been reviewed and an award issued by a competent awarding authority, it can only be reconsidered upon submission of new, relevant, material evidence which was not previously available or unless there is conclusive evidence that a material error occurred in the decision process. The fact that the recipient disagrees with the approved award is not sufficient to upgrade an award.
3. The information submitted by [REDACTED] is not sufficient to warrant reconsideration.

[REDACTED]
By direction

2000 16 000